

C G R F



B Y P L

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act, 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

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C A No. Applied For
Complaint No. 17/2024

In the matter of:

Pradeep SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 18th July, 2024

Date of Order: 22nd July, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainant thereby alleging that he applied for a non-domestic connection in his shop bearing pvt. No. G-2 in premises no. R-273-A, Ramesh Park, Laxmi Nagar, Delhi-110092. The said connection was rejected by the OP by taking a false ground that the applied premises are booked by MCD. In support of the complaint, complainant has annexed therewith a deficiency letter

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dated 27.12.2023. This deficiency letter shows the grounds of rejection a) building height more than 15 meters, b) dues at site of CA no. 100910754 c) address in MCD list. The complaint alleges that OP has wrongly rejected the request of the complainant vide no. 8006706181 for new connection and prayed for the directions of this Forum to the OP thereby requiring of the release the connection applied for.

2. In reply to the complaint, OP alleges that on receipt of the request for new connection the applied premises were inspected. Upon inspection its officials found that the subject premises consists of basement + ground floor + four floors over it, b) height of the building is more than 15 meters for the reason that the building has effective five floors with the basement, c) the subject building is a commercial building and has commercial connections therein, d) there are dues pending on the applied premises against CA no. 100910754, e) the premises are booked by the MCD as per the list provided by MCD at sl. no. 5 and 38 thereof. The reply states that unless the deficiencies are removed no new connections can be granted and the complainant is required to produce BCC/NOC, a fire safety clearance certificate/NOC and to clear the outstanding dues, so as to getting the connection released in his favour.

3. In rejoinder to the reply reiterating his complaint, rejoinder states that since he has applied on Ground floor there is no issue of height and he is ready to provide Architect Certificate. In reply to the second objection of the dues, rejoinder denies any such dues. Similarly, the rejoinder denies that there is any such booking by MCD in his premises, further stating that the building is an old one, while the booking is shown of later date. Regarding objection of commercial building there is no rejoinder/denial.

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4. In support of their respective contentions complainant has placed on record deficiency letter by OP, bill of disconnected connection having address of the applied premises i.e. 273-A, bill of live connections having address of premises no. 273, photographs of premises allegedly booked by MCD, Architect Certificate. On the other hand OP has placed on record its MCD letter dated 26.07.2022 containing list of the premises booked by the MCD, OP's letter to MCD dated 03.08.2022 in response to the MCD's letter, IR, bills of premises no. 273-A and 273 and site sketch.
5. Heard both the parties and perused the record.
6. Going through the record, we don't find any dispute with respect to the OP's objection of building being commercial one and of the outstanding dues on the applied premises. We have to consider only two points firstly, as to whether the height of the building is more than 15 meters or not and secondly as to whether the applied premises and the booked premises are one and the same premises or not.

With regard to the issue of height, going through the pleadings of both the parties, we find that both claims that the building consists of ground + four floors over it. The only difference is that, OP claims that the building has effective five floors with basement. We have also gone through the MAP shown by the OP in its Inspection Report which specifically shows four floors only over the Ground floor. Thus this objection of the OP is baseless and without any concrete reasoning. However, to assess the actual height of the building irrespective of the number of floors a certificate issued by Approved Architect may be a required to determine this dispute. In this respect the Architect Certificate placed on record was found erroneous as the same revealed

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that over the Ground floor the building has three floors only, while as per both parties the building is having four floors over the ground floor. For that purpose complainant requested to allow him to place on record a correct certificate. This request was allowed and the case was reserved with the liberty to the complainant to file the same and whatever he had to file in support of his case within a week, which complainant filed on 19.07.2024. Perusal of this certificate shows that the building has four floors over ground floor beside basement and its height is less than 15 meters.

Coming to the point of booking we perused three sale deeds placed on record- one is in favour of complainant. This Sale deed is registered on 25.03.2013. Other is in favour of the person from whom complainant purchased this property. This sale deed is registered on 28.05.2012. Third sale deed is in favour of the person from whom its earlier owner purchased this property. This sale deed is registered on 09.04.1997.

Perusal of all the three sale deeds show that the premises no: 273-A aforesaid was existing since the year 1997 onwards.

Now coming to the OP's documents placed by both the parties i.e.e bills of electricity, we find bills of CA nos. 150765764, 150757826, 150765765, 150769722, 150769721, 151865383, 151890834, 150812867, 150922371, 151749438, 150764794 and 100910754. Most of these connections were energized in the year 2013 except few which were energized in the year 2016. We find that the address on these bills is given as premises no. 273-A.







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The disconnected connection bearing CA no. 100910754 though not provide the date of energization but mentions that the date of bill is 08.06.2016. On the basis of above analysis we found that premises no. 237-A was existing in the said area and duly recognized by the OP since 2013/2016.

Coming to the list of the MCD as per MCD letter these premises were booked on 20.05.2022 and 30.06.2022 respectively. Both the entries of booking at sl. no. 5 and 38 show the number of premises as R-273, Gali No. 12, Ramesh Park, Laxmi Nagar, Delhi-110092.

The complainant's plea is that number of applied premises is R-273-A of the aforesaid area and not R-273 as shown booked in the MCD list. OP's plea that since the entire R-273 is booked the applied premises being part thereof is also booked. We don't find any substance in this argument of the OP reason being that since the year 2013 R-273-A has been recognized as a separate property and if it was to be booked MCD would have mentioned R-273-A also in its list of booking. Meaning thereby the applied premises are duly proved as not booked by MCD. On the basis of aforesaid discussions/findings all the deficiencies raised by the OP against the applied connection, except the dues of disconnected connection vide CA No. 100910754, are baseless hence unjustified and in our considered view complainant is very much entitled for the connection, applied for, after payment of the outstanding dues of the disconnected connection aforesaid.

   
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ORDER

Complaint is allowed with the direction to OP to release the connection applied for by the complainant vide its request no. 8006706181 subject to payment of the outstanding dues by the complainant, of disconnected connection vide CA no. 100910754, after completion of other commercial formalities as per DERC Supply Code 2017.


OP shall also file compliance report within 21 days from the date of this order.

The case is disposed off as above.


No order as to the cost. Both the parties should be informed accordingly.

Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER

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